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APR 04 2008

60,469-092 PUS1
PA-000.05193-USIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Veronesi, William, et al. International App. No.:
PCT/US2004/008192

Serial Number: 10/589,479 International App. Filing
Date: 16 March 2004

Filed: 08/14/2006

Group Art Unit: 2857

Examiner: West, Jeffrey R.

Title: TENSILE SUPPORT STRENGTH MEASUREMENT
SYSTEM AND METHOD

REQUEST FOR RECONSIDERATION

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Final Office Action mailed on February 26, 2008. Applicant respectfully requests reconsideration of this application. Applicant appreciates the indication of allowed and allowable claims. For the following reasons, Applicant respectfully submits that claims 16 and 20 are also allowable.

Applicant respectfully traverses the rejections under 35 U.S.C. §103 of claims 16 and 20. Both rejections rely upon the *Barrett, et al.* reference. The Examiner contends that the *Barrett, et al.* reference discloses "determining a rate of degradation of an individual tension member for a selected load by monitoring how the degradation varies over time based on how much of the selected load is carried by each tension member." (See, e.g., page 3 of the Office Action). Applicant respectfully disagrees.

The only statement in the *Barrett, et al.* reference regarding degradation is found in column 3, lines 10-16. Specifically, the *Barrett, et al.* reference states, "By measuring the load in each tension member 28, individually, any stretching of [sic, or] degradation of the tension members 28 can also be sensed as the load carried by each tension member 28 varies over time."

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There is nothing in that statement that indicates any determination of a *rate* of degradation. There is only mention of sensing degradation. Determining a rate of degradation is a different thing than sensing degradation. Additionally, the load in the *Barrett, et al.* reference is described as varying over time. It does not describe "how the degradation varies over time" as suggested by the Examiner in the Office Action. There is a distinction between a load varying over time and degradation varying over time.

There is nothing in the *Barrett, et al.* reference that supports the Examiner's position that it teaches determining a rate of degradation. Therefore, there is no *prima facie* case of obviousness. Both rejections under 35 U.S.C. §103 suffer from the same defect in that the proposed combinations do not provide the results suggested by the Examiner.

Applicant respectfully submits that this case is in condition for allowance.

Respectfully submitted,
CARLSON, GASKEY & OLDS

By: 

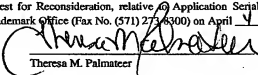
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Dated: April 4, 2008

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CERTIFICATE OF FACSIMILE

I hereby certify that this Request for Reconsideration, relative to Application Serial No. 10/589,479, is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on April 4, 2008.


Theresa M. Palmateer